

## Message Text

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ACTION L-03

INFO OCT-01 ARA-06 ISO-00 CPR-01 PM-04 NSC-05 SP-02 SS-15  
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R 181946Z FEB 77  
FM AMEMBASSY SAN SALVADOR  
TO SECSTATE WASHDC 3427  
INFO AMEMBASSY GUATEMALA  
AMEMBASSY MANAGUA  
AMEMBASSY SAN JOSE  
AMEMBASSY TEGUCIGALPA  
USCINCSO

C O N F I D E N T I A L SAN SALVADOR 0807

E.O. 11652: GDS  
TAGS: PGOV, PFOR, ES, US  
SUBJECT: IMPRISONMENT OF COL. MANUEL A. RODRIGUEZ IN US

REF: (A) STATE 8877; (B) 76 SAN SALVADOR 5641

1. DURING AN APPOINTMENT WITH THE PRESIDENT AND HIS MINISTERS OF FOREIGN AFFAIRS, DEFENSE AND INTERIOR, ON FEBRUARY 14, I WAS SURPRISED WHEN HE AGAIN BROUGHT UP THE SUBJECT OF APPEAL EFFORTS ON BEHALF OF COL. MANUEL A. RODRIGUEZ, SERVING SENTENCE FOR ILLEGAL ARMS TRAFFICKING IN A U.S. FEDERAL PRISON. THE UNEXPECTEDNESS WAS ENHANCED BY THE FACT THAT WE HAD BEEN DISCUSSING ANOTHER EXAMPLE OF A SENIOR SALVADORAN MILITARY OFFICER ACCUSED OF COMMITTING A CRIMINAL ACT, AND THE GOES OF COVERING RATHER THAN EXPOSING IT.

2. DESPITE THIS DAMAGING JUXTAPOSITION, PRESIDENT MOLINA EXPLAINED THAT HE CONTINUES TO RECEIVE PRESSURE FROM THE FAMILY AND FRIENDS OF RODRIGUEZ TO "DO SOMETHING". THE FIRST REQUEST AFTER THE GUILTY VERDICT WAS THAT THE GOES SUBMIT A DIRECT APPEAL ON RODRIGUEZ' BEHALF, INCLUDING A BELATED CLAIM  
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OF DIPLOMATIC IMMUNITY (REFTELS). THE PRESIDENT SAID HE DISMISSED THAT PETITION ZY SAYING THAT THE GOVERNMENT HAD PRESENTED NO SUCH CLAIM AT THE ORIGINAL TRIAL, AND IT WAS NOW TOO LATE. THE PRESIDENT ADMITTED THAT THE GOES HAD PAID FOR THE ORIGINAL DEFENSE LAWYERS, AND THAT HE WAS "CONTRIBUTING" TO A PRIVATELY RAISED DEFENSE FUND (55,000 DOLLARS) FOR THE APPEAL PROCESS.

3. THE PRESIDENT SAID THE APPEAL LAWYERS HAVE APPROACHED THE GOVERNMENT TELLING OF THEIR INTENTION TO PETITION FOR A "RECONSIDERATION" OF THE CASE, AND REDUCTION OF SENTENCE. THEY HAVE TOLD MOLINA OF SEVERAL CLAIMS THEY WILL MAKE IN SUPPORT OF THE APPEAL: (A) THE DISPARITY IN TREATMENT AND PUNISHMENT AMONG THE ASSORTED CO-CONSPIRATORS; (B) THE PREJUDICIAL PRETRIAL

PUBLICITY AND THE FEDERAL PROSECUTOR'S "UNUSUALLY STRONG" EFFORTS TO ASSURE A GUILTY VERDICT; AND (C) THE POLITICAL ARGUMENT THAT, AFTER ALL THE WORLDWIDE PUBLICITY, THE USG COULD NOT PERMIT AN INNOCENT VERDICT, OUT OF SHEER EMBARRASSMENT.

4. THE PRESIDENT ASKED, RHETORICALLY IT TURNED OUT, IF THE SENTENCE COULD NOT BE REDUCED TO TIME SERVED. HE SAID THAT

RODRIGUEZ HAS BEEN SEVERELY PUNISHED BY HIS SHAME AND LOSS OF CAREER. MOLINA SAID THE DEFENSE LAWYERS SUGGESTED A "FRIENDLY GESTURE" FROM THE STATE DEPARTMENT TO THE COURT MIGHT HELP. THE PRESIDENT SAID THAT THE GOES CANNOT OFFICIALLY PETITION THE USG, BUT WONDERED HOW AN INFORMAL QUERY WOULD BE RECEIVED. HE STATED THAT AS LONG AS RODRIGUEZ REMAINS IN A U.S. JAIL, THE PROBLEM WILL RESULT IN A CERTAIN "DISTANCE (MANTENER UNA DISTANCIA) BETWEEN THE TWO COUNTRIES.

5. I REPLIED THAT I WOULD PASS THE PRESIDENT'S REQUEST TO THE STATE DEPARTMENT, BUT THAT THE SEPARATION OF EXECUTIVE AND JUDICIAL POWERS IN THE U.S. PRECLUDED THE DEPARTMENT FROM APPROACHING A FEDERAL JUDGE ON RODRIGUEZ' BEHALF.  
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FOREIGN MINISTER BORGONOV IMMEDIATELY JUMPED IN TO ASSURE ME THAT I MUST HAVE MISUNDERSTOOD, THAT THE GOES WAS NOT MAKING A REQUEST ON RODRIGUEZ' PART, BUT JUST WANTED THE USG TO BE AWARE OF WHAT'S HAPPENING IN THE CASE.

6. COMMENT. THE EMBASSY POLITICAL OFFICER WITH ME "HEARD THE SAME MESSAGE ID DID. DESPITE COVERING THE STORY BY PUTTING IT IN THE FAMILY'S, AND THE DEFENSE ATTORNEY'S MOUTHS, THE GOES WAS ASKING THAT SOMETHING BE DONE TO GET RODRIGUEZ BACK. OBVIOUSLY THE RODRIGUEZ CASE STILL NETTLES SENIOR OFFICERS AND THEIR GOES SPOKESMEN BUT I DO NOT BELIEVE IT IS AN IMPEDIMENT IN OUR BILATERAL RELATIONSHIP. I RECOMMEND NO ACTION ON OR RESPONSE TO THIS "QUERY".

LOZANO

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## Message Attributes

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